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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	Case No. 2:18-cr-00222-JCM-NJK
Plaintiff,	)	
	)	<b><u>STIPULATION TO CONTINUE</u></b>
vs.	)	<b><u>SENTENCING HEARING</u></b>
	)	
PERRY MACKLIN,	)	<b><u>(SECOND REQUEST)</u></b>
Defendant.	)	
	)	
	)	

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada, Christopher Burton, Assistant United States Attorney, representing the United States of America, and Lance Maningo, Esq., representing Defendant Perry Macklin, that the sentencing hearing in the above captioned case, which is currently scheduled for June 5, 2020, at 10:30 am, be continued and reset to a date and time to be set by this Honorable Court but no sooner than sixty days.

1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of the coronavirus disease 2019 ("COVID-2019") in the District of Nevada, the declaration by the Governor of the State of Nevada of a public health emergency due to the spread of COVID-19 in Nevada, and the declaration of local emergencies

1 by local governments due to COVID-19, including Clark County, the Court has  
2 sustained “reduced ability to obtain an adequate spectrum of jurors,” and it noted the  
3 effects of public health recommendations, including “social distancing measures.”  
4 General Order 2020-03 accordingly continued all civil and criminal trials until April  
5 10, 2020, pending further order of the Court and found that “the ends of justice are  
6 best served by ordering the continuances, which outweighs the best interests of the  
7 public and any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

8 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of  
9 Nevada issued Temporary General Order 2020-04, which noted that “the COVID-19  
10 pandemic has continued to spread,” resulting in the need for “more aggressive social-  
11 distancing measures.” The Court noted further that, “[o]n March 17, 2020, the  
12 Governor of the State of Nevada ordered the closure of many business establishments  
13 and strongly encouraged all citizens to stay home.” Accordingly, the Court ordered  
14 the temporary closure of the Clerk’s office, and implemented other changes, including  
15 “striving to eliminate in-person court appearances.” In the event any hearing must go  
16 forward, the Court will conduct the hearing via video or teleconference. The Court  
17 will vacate or amend GO 2020-04 no later than April 30, 2020.

18 3. On March 30, 2020, the Chief Judge of the U.S. District Court for the District of  
19 Nevada issued Temporary General Order 2020-04 (collectively with General Orders  
20 2020-03 and 2020-04, “the General Orders”), specifically finding, in part, that “felony  
21 sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be  
22 conducted in person in this district without seriously jeopardizing public health and  
23 safety.” The General Order therefore permitted individual judges to proceed with  
24

1 sentencing via video or teleconference if the defendant consents and the matter  
2 “cannot be further delayed without serious harm to the interests of justice[.]”

3 4. There does not exist a reason why the sentencing hearing in this case cannot be  
4 delayed without serious harm to the interests of justice.

5 5. Accordingly, based on the public health emergency brought about by the COVID-19  
6 pandemic, and the required social-distancing measures as recognized in the General  
7 Orders; the need for additional time to prepare the defense once the public health  
8 emergency is resolved; the parties agree to continue the currently scheduled  
9 sentencing hearing date from June 5, 2020, to a date and time to be set by this  
10 Honorable Court but no sooner than sixty days.

11 6. This continuance is not sought for purposes of delay, but to account for the necessary  
12 social-distancing in light of the COVID-19 public health emergency and to allow the  
13 defense adequate time to prepare following the resolution of this public health  
14 emergency.

15 7. Denial of this request could result in a miscarriage of justice, and the ends of justice  
16 served by granting this request outweigh the best interest of the public and the  
17 defendant in proceeding to sentencing.

18 8. The defendant is incarcerated and does not object to the continuance.

19 DATED this 22<sup>nd</sup> day of May, 2020.

20 NICHOLAS A. TRUTANICH  
21 United States Attorney

22 /s/  
CHRISTOPHER BURTON  
23 Assistant United States Attorney

/s/  
LANCE MANINGO, ESQ.  
Counsel for Defendant  
PERRY MACKLIN

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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA, ) Case No. 2:18-cr-00222-JCM-NJK  
8 )  
9 Plaintiff, ) **FINDINGS AND ORDER**  
10 ) **ON STIPULATION**  
11 vs. )  
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13 Based on the pending Stipulation between the defense and the government, and good  
14 cause appearing therefore, the Court hereby finds that:

- 15 1. To account for the necessary social-distancing in light of the COVID-19 public health  
16 emergency and to allow the defense adequate time to prepare following the resolution  
17 of this public health emergency, the sentencing hearing in this case should be  
18 continued.
- 19 2. The parties agree to this continuance.
- 20 3. There does not exist a reason why the sentencing hearing cannot be delayed without  
21 serious harm to the interests of justice.
- 22 4. The defendant is incarcerated and does not object to the continuance.
- 23 5. This continuance is not sought for purposes of delay.
- 24

6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendant in proceeding to a sentencing hearing.

THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the above-captioned matters currently scheduled for June 5, 2020, at 10:30 am, is vacated and continued to a date and time convenient to this court, that is August 14, 2020, at the hour of 10:00 a.m.

DATED May 26, 2020.

  
HONORABLE JAMES C. MAHAN  
United States District Court Judge